

REMARKS

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 8 - 11 are pending. Claim 8 has been amended to accommodate, in part, the further restriction required by the Examiner. Entry of the amendments is respectfully requested.

I. Further Restriction Required

On page 2 of the Office Action, the Examiner has required further restriction of the genus recited in claim 8. The Examiner has required that Applicants restrict the scope of claim 8 to indolinone compounds where:

- (a) A₁, A₂, A₃, and A₄ are carbon;
- (b) R₁ is hydrogen or alkyl;
- (c) R₂ is oxygen but not sulfur;
- (d) R₃ is hydrogen;
- (e) R₄, R₅, R₆, and R₇ as recited, save for the fact that they can not form a fused ring with the indolinone aryl ring;
- (f) n is 0, 1, 2, or 3;
- (g) R and R' are independently H, alkyl or aryl; and
- (h) A is a pyrrol-5-yl ring and the 2 and 3 positions of the pyrrole ring are occupied by an unsubstituted alkyl group.

The Examiner has allowed the 4 position of the pyrrole ring to be occupied by any of the substituents recited in claim 8.

Applicants have amended claim 8 such that it comports with most of the restriction requirement set forth in the instant Office Action. Aside from the assertion that a search of the entire scope of claim 8 would prove burdensome, the Examiner has not provided any indication as to why the substitution on the pyrrol-5-yl ring should be limited as mentioned above (e.g.,

separate classification or separate status in the art). Further, Applicants are not aware of any reason, statutory or otherwise, why they should acquiesce to the unreasonable requirement that the 2 and 3 positions of the pyrrol-5-yl ring should be substituted differently relative to the 4 position of that ring. Applicants therefore urge the Examiner to withdraw and reconsider the restriction requirement vis-à-vis the substituents on the pyrrol-5-yl ring.

II. Conclusion

In view of the above remarks and amendments, it is respectfully submitted that this application is in condition for allowance. Early notice to that effect is earnestly solicited. Examiner Wright is invited to telephone the undersigned at the number listed below if she believes such would be helpful in advancing the application to issue.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

8/14/03

By

 35,087

FOLEY & LARDNER
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5475
Facsimile: (202) 672-5399

Ricardo Moran
Registration No. 48,735